

APHIS DIRECTIVE 6901.1

7/25/95

REGISTRATION, USE MANAGEMENT, AND COORDINATION OF PESTICIDES

1. PURPOSE

This Directive defines the Animal and Plant Health Inspection Service (APHIS) policy regarding registration and the safe and proper use of pesticides for purposes related to APHIS program delivery systems.

2. AUTHORITIES AND REFERENCES

- a. Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.
- b. National Environmental Policy Act (NEPA).
- c. Endangered Species Act (ESA).
- d. Executive Order 12114, Environmental Effects Abroad of Major Federal Action, January 4, 1979.
- e. Clean Air Act (CAA).
- f. Resource Conservation and Recovery Act (RCRA).
- g. Toxic Substances Control Act (TSCA).
- h. The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).
- i. Federal Water Pollution Control Act (FWPCA).
- j. Occupational Safety and Health Act (OSHA).
- k. Safe Drinking Water Act.
- l. Executive Order 12856, Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements, August 3, 1993.

3. DEFINITIONS

- a. Certified Applicator. Any individual certified under FIFRA as competent to use or supervise the use of any pesticide classified for restricted use.
- b. Certification. The process of testing and certifying pesticide applicators in the use of pesticides, in accordance with FIFRA.
- c. Emergency Exemptions. The authority given to the Environmental Protection Agency (EPA) to exempt a State or Federal agency from the requirements of FIFRA, if emergency conditions exist. There are four types of emergency exemptions which may be used based on the following circumstances:
 - (1) Crisis. An exemption requested if the time available from discovery or prediction of a pest outbreak is insufficient for a pesticide to be registered for the particular use.

- (2) Specific. An exemption requested if a pest outbreak has or is about to occur, and no pesticide is registered and readily available or no other appropriate method of control is available to eradicate or control the pest.
- (3) Quarantine. An exemption requested if significant economic or health problems will occur without the use of the pesticide.
- (4) Public Health. An exemption to control a pest that will cause a significant risk to human health.
- d. Experimental Use Permit (EUP). A permit used for the purpose of accumulating data necessary to support a Section 3 registration or a registered pesticide for a use not previously approved in the registration process.
- e. Label. Any written, printed, or graphic matter attached to a pesticide or device or any of its containers or wrappers. This definition includes any pesticide regardless of its registration status.
- f. Registration. The process whereby the EPA and States all register pesticides under authority of the FIFRA.
- g. Restricted-Use Pesticide. A pesticidal product that only certified applicators or persons under their direct supervision may use.
- h. Special Local Needs (SLN). A registration that provides considerable authority to States to provide State specific uses of Federally listed pesticides for use within that State.

4. POLICY

- a. Pesticide Registration. APHIS normally will not be a registrant for the active ingredients or formulations of pesticides. In special cases, where a pesticide essential for APHIS program objectives would not otherwise be available, APHIS may consider holding a registration and formulate limited amounts of the compound for use in order to meet program objectives.

When the need to register a pesticide for APHIS use has been determined, APHIS units will contact Biotechnology, Biologics, and Environmental Protection (BBEP) for guidance and assistance in working with the manufacturer to secure a registration with the EPA.

APHIS will use an Emergency Exemption (FIFRA Section 18) or a registered pesticide for SLN (FIFRA Section 24C) when warranted for cases where a pesticide is not registered for a particular use.

- b. Domestic Use of Pesticides. APHIS may use only pesticides registered or otherwise permitted in accordance with FIFRA. In managing and coordinating the use of pesticides, APHIS policy is to:

- (1) Examine all reasonable alternatives for use of pesticides in APHIS programs. Pesticides and pesticide-based devices may

be used as one of the tools of choice when: (a) critical to the protection of U.S. agriculture, and (b) risks to the environment and human safety are carefully evaluated and

treatments are in full compliance with all applicable public health and environmental protection statutes and regulations.

- (2) Use pesticides safely according to label instructions.
- (3) Base actual use and recommended uses of pesticides on analyses of effectiveness, specificity, environmental impacts, and economic efficiency.
- (4) Coordinate pesticide projects, as appropriate, with Federal, State, and local agencies.
- (5) Ensure the judicious and effective application of all pesticides.
- (6) Using means prescribed in pertinent environmental documentations or other reasonable means, advise State and local officials, organizations, and others possibly affected, whenever there is to be aerial application of pesticides and, as appropriate, within areas to receive repeat treatment(s).
- (7) Transport, store, and dispose of pesticides and pesticide containers in accordance with applicable State and local laws and regulations, as well as Federal laws and regulations.
- (8) Review all permittee, licensee, and grantee pesticide-use proposals and plans and approve as appropriate.
- (9) As prescribed in pertinent environmental documentations, monitor sensitive environments during pesticide applications to detect and evaluate unanticipated effects.
- (10) Permit only certified personnel or those under the supervision of a certified applicator to use restricted-use pesticides.
- (11) Support research to develop and evaluate the effectiveness and environmental safety of new and improved pesticide formulations and application methods and to effectively transfer this technology.
- (12) Assist pesticide manufacturers in obtaining the registration of pesticides determined to be needed for APHIS programs where feasible.

- c. Use of Pesticides in Foreign Countries. APHIS will defer to the laws and standards within the country in which APHIS is conducting cooperative activities. The decision to use or not use a particular pesticide will depend on assessments of proposed program actions as outlined in Executive Order 12114.

The economic and environmental significance of the disease/pest and its threat to U.S. agriculture may require the use of

pesticides that are not registered for use in the United States. Such use will be based on approval by the host country and conform to the requirements specified in the Food and Agriculture Organization of the United Nations (FAO/UN) International Code of Conduct on the Distribution and Use of Pesticides.

The Agency will not participate in any foreign program that uses a pesticide banned for domestic use by the EPA.

5. RESPONSIBILITIES

- a. The Director, Biotechnology, Biologics, and Environmental Protection (BBEP), will:
 - (1) Advise the Administrator and operational units on (a) availability and proper use of pesticides; (b) recordkeeping on the status of all pesticides used within APHIS; and (c) pesticide monitoring in APHIS programs.
 - (2) Serve as the Administrator's liaison between APHIS, the Office of the Secretary, and other Federal or non-Federal groups concerned with the use of pesticides.
 - (3) Serve on the Departmental National Agricultural Pesticide Impact Assessment Program (NAPIAP), and other Departmental committees on pesticide management.
- b. The Deputy Director, Technology and Scientific Services (TSS), BBEP, is the primary liaison with EPA on all administrative matters pertaining to pesticide registrations/reregistrations, meetings, applications/amendments, and is responsible for providing leadership, consultation, and support on use of pesticides. The Deputy Director will:
 - (1) Participate and assist in recommending and developing national policies, objectives, priorities, standards, and procedures for pesticide use.
 - (2) Cooperate with other agencies and organizations concerned with pesticides.
 - (3) Serve on the Departmental Technical Advisory Group for NAPIAP.
 - (4) Provide up-to-date information on pesticide registration and application techniques to all APHIS units.
 - (5) Provide direction for training and certification of restricted-use pesticide applicators.
 - (6) Provide direction for training in pesticide safety.
 - (7) Provide guidance in pesticide-use reporting in accordance with the 1990 Farm Bill and implementing regulations.
- c. The Deputy Director, Environmental Analysis and Documentation (EAD), BBEP, is responsible for leadership, review, and guidance in connection with the environmental analysis and compliance courses for APHIS' pesticide programs.

- d. The Deputy Administrator for Management and Budget, is responsible for the overall management of employee safety and health programs, and for facility environmental compliance issues.
- e. Directors/Deputy Administrators of Animal Damage Control, International Services, Plant Protection and Quarantine, and Veterinary Services, are responsible for implementing the APHIS policy on pesticide use, management, and coordination. They will appoint pesticide-use management coordinators or specialists.
- f. Regional Directors, Program Managers, and Area Veterinarians in Charge will:
 - (1) Provide advice and assistance to all APHIS field units on the interpretation of pesticide laws and executive orders, Departmental regulations, and APHIS guidelines on pesticide use.
 - (2) Act as liaison with other agencies and organizations interested in APHIS pesticide-use activities.
 - (3) Provide advice and assistance to APHIS field units in the preparation and review of documents associated with environmental analysis, appeals, and litigation dealing with pesticide use.
 - (4) Provide training and certification opportunities for personnel who use pesticides.
 - (5) Provide reports and records of pesticide use.

6. REVIEW/APPROVAL OF PESTICIDE-USE

Appropriate reviews and necessary approvals will be obtained before applying pesticides in APHIS programs. EAD and TSS, BBEP, will provide advice and assistance to the operational units regarding pesticide use to ensure compliance with NEPA provisions and all pertinent environmental statutes, regulations, and executive orders.

7. INQUIRIES

The policy in this Directive is based on the paper "APHIS Policy on Pesticide Registration, Use Management, and Coordination," prepared by APHIS Intra-Agency Pesticide Policy Team, revised March 15, 1994.

Any questions regarding this Directive should be directed to Policy Analysis and Development, Policy and Program Development on 301-734-6698.

/s/ Terry Medley /s/
Acting Administrator

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